

## Message Text

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ACTION EUR-12

INFO OCT-01 IO-13 ISO-00 DHA-02 CIAE-00 PM-04 INR-07 L-03  
ACDA-07 NSAE-00 PA-01 SS-15 PRS-01 SP-02 USIA-06  
TRSE-00 SAJ-01 NSC-05 /080 W  
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R 030759Z MAR 77  
FM AMEMBASSY WARSAW  
TO SECSTATE WASHDC 6846  
INFO AMEMBASSY BELGRADE  
AMEMBASSY BERLIN  
AMEMBASSY BONN  
AMEMBASSY BUCHAREST  
AMEMBASSY BUDAPEST  
AMEMBASSY LONDON  
AMEMBASSY MOSCOW  
AMEMBASSY PARIS  
AMEMBASSY PRAGUE  
AMEMBASSY SOFIA  
USMISSION NATO  
USMISSION USUN NEW YORK

C O N F I D E N T I A L WARSAW 1521

EO 11652GDS  
TAGS: PFOR, NATO, CSCE, UK, UR  
SUBJ: DO EXPRESSIONS OF CONCERN ABOUT HUMAN RIGHTS CONSTITUTE  
"INTERFERENCE IN THE INTERNAL AFFAIRS" OF THE STATE AT WHICH THEY  
ARE DIRECTED?

REF: USNATO 1106

1. THE GROWING INTEREST IN EUROPE IN THE NEW ADMINISTRA-  
TION'S STATEMENTS ON HUMAN RIGHTS LEADS ME TO OFFER TWO  
OBSERVATIONS RESULTING FROM THE EXPERIENCE WE HAD IN  
THE BUREAU OF EUROPEAN AFFAIRS DURING THE FUROR WHICH  
ACCOMPANIED THE CASE OF THE LENINGRAD "HIJACKERS."  
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NEITHER OF THESE POINTS ADDRESSES THE QUESTIONS OF  
POLICY, POLITICAL EXPEDIENCY, OR TACTICS; THOSE FISH  
ARE IN A QUITE SEPARATE KETTLE.

2. FIRST, STATEMENTS ABOUT HUMAN RIGHTS AND THE VIOLA-  
TION OF THEM ARE CHARACTERIZED AS "INTERFERENCE IN THE  
INTERNAL AFFAIRS" OF THE VIOLATING STATE. SOME PEOPLE

IN THE WEST APPARENTLY REGARD THE MAKING OF SUCH STATEMENTS AS AN INADMISSIBLE OR, AT LEAST, QUESTIONABLE PRACTICE. THAT APPEARED TO BE THE SENSE OF THE THIRD QUESTION CITED IN THE EXCERPTS FROM THE SECRETARY'S FEBRUARY 27 PRESS CONFERENCE, AS TRANSMITTED IN THE FEBRUARY 28 WIRELESS FILE (EUR -6). TO THE EXTENT THAT THIS VIEW PREVAILS -- AND EVEN SOME OFFICIALS OF WESTERN GOVERNMENTS APPEAR TO HOLD IT -- IT RESULTS FROM A MISUNDERSTANDING OF INTERNATIONAL LAW AND APPEARS TO BE ANOTHER INSTANCE IN WHICH SOVIET PROPAGANDISTS HAVE SUCCEEDED IN BRAINWASHING OTHERWISE QUITE WELL-INTENTIONED PEOPLE.

3. IT IS NECESSARY ONLY TO READ OPPENHEIM'S CHAPTER ON INTERVENTION TO REALIZE THAT WHAT INTERNATIONAL LAW PROSCRIBES IS FORCIBLE, PHYSICAL INTERFERENCE, AND NOT VERBAL EXPRESSIONS. IT IS PRECISELY BECUASE THESE ARE NOT CONTRARY TO INTERNATIONAL LAW THAT THE SOVIETS AND THEIR COHORTS HAVE INVESTED SO MUCH TIME AND TROUBLE AT THE UNITED NATIONS IN THE EFFORT TO CONVINCE MEMBER-STATES TO ADOPT INSTRUMENTS WHICH WOULD PROSCRIBE "WAR-MONGERING PROPAGANDA."

4. OUR FAILURE TO REJECT AS TWADDLE CLAIMS THAT EXPRESSIONS OF INTEREST IN HUMAN RIGHTS CONSTITUTE INTERFERENCE OR INTERVENTION IN THE AFFAIRS OF OTHER STATES LEADS TO A SCENE IN WHICH LUNKOV CAN WITHOUT CONTRADICTION TELL THE UK MINISTER OF STATE THAT THE BRITISH EXPRESSION OF CONVERN FOR THE RIGHT OF SOVIET CITIZENS FREELY TO LEAVE THE USSR CONSTITUTES INTERFERNCE AND INTERFER-CONFIDENTIAL

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ENCE HAS, IN THE PAST, LED TO WAR (REF).

5. SECONDLY, AGAIN ACCORDING TO OPPENHEIM, "THE RELEVANT PROVISIONS OF THE (UNITED NATIONS) CHARTER CONSTITUTE LEGAL OBLIGATIONS OF THE MEMBERS OF THE UNITED NATIONS AND OF THE ORGANIZATION AS A WHOLE" (EIGHTH EDITION, VOLUME 1, SECTION 340-EL). ARTICLES 55 AND 56 OF THE CHARTER MAKE IT A LEGAL OBLIGATION OF MEMBERS TO TAKE ACTION IN COOPERATION WITH THE UN TO PROMOTE "UNIVERSAL RESPECT FOR, AND OBSERVANCE OF, HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS FOR ALL WITHOUT DISTINCTION AS TO RACE, SEX, LANGUAGE, OR REGLIGION." IT IS IRONIC THAT THE UNITED STATES HAS NOT ACTED MORE EFFECTIVELY TO PROMOTE IN THE APPROPRIATE UN BODIES EFFORTS TO PRODUCE AN ENFORCEABLE INTERNATIONAL CONVENANT OF HUMAN RIGHTS. TO BE SURE, THE SOVIETS WOULD SEE TO IT THAT SUCH A COVENANT WERE NOT ADOPTED. BUT THAT IS NOT A VALID REASON WHY WE SHOULD FAIL TO WORK HARD TO REALIZE THE PROJECT AND TO LET THE WORLD KNOW THAT WE ARE DOING SO.

6. OF COURSE, THESE PROVISIONS OF THE CHARTER -- LIKE  
THOSE OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS --  
ARE UNENFORCEABLE. BUT THAT IS NOT AT ALL THE SAME AS  
SAYING THAT HUMAN RIGHTS ARE NOT A COMPLETELY LEGITIMATE  
SUBJECT OF INTERNATIONAL LAW AND INTERNATIONAL DISCOURSE.  
THEY ARE.

7. AT BELGRADE THIS FALL, THE SOVIETS AND THEIR ALLIES  
WILL MAKE GREAT PLAY WITH THE CONTENTION THAT EXPRES-  
SIONS OF CONCERN BY WESTERN GOVERNMENTS ABOUT THE RIGHTS  
OF SOVIET CITIZENS, AND OF THOSE OF THE OTHER WARSAW  
PACT COUNTRIES, CONSTITUTE "INTERFERENCE" OR "INTERVENTION"  
IN THEIR INTERNAL AFFAIRS. IT WOULD BE A MISTAKE  
TO WAIT UNTIL BELGRADE TO BEGIN SETTING THE RECORD  
STRAIGHT. WE NEED A SERIES OF HIGH-LEVEL  
STATEMENTS SPELLING OUT THE TWO POINTS I HAVE OUT-  
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LINED ABOVE IN PREPARATION FOR BELGRADE. IT WOULD ALSO  
BE VERY GOOD IF WE COULD START PUSHING AT THE UN FOR AN  
INTERNATIONAL MOVENANT OF HUMAN RIGHTS, AND DO WO WITH  
APPROPRIATE PUBLIC ATTENTION.

DAVIES

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## Message Attributes

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